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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,414	12/14/2000	Rabindranath Dutta	AUS9000687US1	8776

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EXAMINER	
BRIER, JEFFERY A	
ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 12/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/736,414	DUTTA, RABINDRANATH	
	Examiner	Art Unit	
	Jeffery A. Brier	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/05/03* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☒ Interview Summary (PTO-413) Paper No(s). *9* .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. The amendment filed on 12/05/03 has been entered.

2. This office action corrects the previous final rejection and is responsive to the 12/05/03 amendment.

3. The amendments made to independent claims 1 and 13 in the 09/05/03 amendment and the further amendments made to independent claim 1 in the 12/05/03 amendment makes the claims indefinite.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 now claims a client contained within a third computer and adapted to receive the web page from the web server and to receive the first and second image from the web server and the ad server. Claim 1 further claims an editor adapted to overlay a portion of the first image with the second image. The location of the editor in the claim is unclear. If the editor is in the web server, see also claim 3, then the client will not receive the second image from the ad server. If the editor is in the ad server, see also claim 4, then the client will not receive the first image from the web server.

Thus, the broadly claimed editor renders claims 1-12 indefinite. It is noted that claim 5 places the location of the editor in the client, however, if claim 5 was added to claim 1 then claims 3 and 4 would conflict with claim 1. Claim 5 is indefinite because if the third computer performs the overlaying then the claimed second computer operably coupled to the web server of claim 1 conflicts with claim 5 because the words operably coupled conveys a processing is occurring between the second computer and the first computer but since in claim 5 the overlaying is occurring in the third computer the third computer is operably coupled to the first computer and operably coupled to the second computer but the first and second computers would NOT be operably coupled, thus, in view of claim 5 the ad server and web server should not be operably coupled, see page 17 first paragraph which describes the third embodiment. Claim 12 claims the web server and the ad server are computer program execution units while claim 1 now claims the web server and ad server to be first and second computers. It is not clear if the computer program execution units are intended, in view of the amendments made to claim 1, to replace the first and second computer limitations or are intended to be included with the first and second computers. Amendment to this claim is necessary to clarify this issue.

Claim 13 was amended in the 09/05/03 amendment. It is not clear where the overlaying is performed. If the overlaying is in the first computer, see also claim 17, then the client computer will not be coupled to the second computer to obtain the second vector graphics image. If the overlaying is in the second computer, see also claim 18, then the client will not be coupled to the first compute to obtain the first vector graphics image. Thus, the broadly claimed editor renders claims 1-12 indefinite. It is

noted that claim 19 places the location of the overlaying editor in the client, however, if claim 19 was added to claim 13 then claims 17 and 18 would conflict with claim 13. Claim 19 is indefinite because if the client computer performs the overlaying then the claimed second computer coupled to the first computer of claim 13 conflicts with claim 19 because the words second computer, coupled to the first computer by a network, to obtain a modified first image conveys a processing is occurring between the second computer and the first computer but since in claim 19 the overlaying is occurring in the third computer the third computer is coupled to the first computer and coupled to the second computer but the first and second computers would NOT be coupled to obtain a modified first image if the third computer overlays, thus, in view of claim 19 the first computer and second computer should not be coupled to obtain a modified first image, see page 17 first paragraph which describes the third embodiment.

6. A prior art rejection of claims 1-19 cannot be made because the metes and bounds of the claims are not definite. Thus, an indication of allowability would be premature.

Response to Arguments

7. Applicant's arguments, see page 5, filed 12/05/03, with respect to the Chan reference have been fully considered and are persuasive. The 102 rejection based upon Chan is withdrawn since Chan does not teach the client computer coupled to both a first computer and a second computer where the first and second computers are coupled by a network.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lapstun, U.S. Patent No. 6,549,935, teaches a netpage ad server coupled to a netpage publication server where the publication server receives ads from the ad server and overlays the received ads onto a web page and converts this image into vector graphics, stores this vector graphics image and transmits it to a client computer. This reference does not clearly teach overlaying two vector graphics images. See column 25 lines 8-12, 17-29 and 42-48 and column 27 lines 58-61.

Curtwright et al., U.S. Patent No. 5,884,219, Drewry, U.S. Patent No. 5,748,178, and Gray, U.S. Patent No. 4,661,811, all teach individually vector graphics overlay but does not teach separate server computers as sources of the vector graphics and does not teach displaying the overlayed vector graphics image on a client computer.

Davis, Jr., U.S. Patent Nos. 6,552,732 and 6,057,854 teach sending vector graphics from server computers to a client, but, does clearly teach separate server computers as sources of the vector graphics to be overlayed and does not clearly teach displaying overlayed vector graphics image from the separate server computers on a client computer.

Farber, U.S. Patent No. 5,819,284, teaches receiving a plurality of images from different servers and merging them into one image corresponding to a user at a service node the image to a client.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jeffery A Brier
Primary Examiner
Art Unit 2672